

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
IN RE NEW YORK CITY
ASBESTOS LITIGATION

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This document Relates to:
CHRISTIAN F. HOLINKA

NYCAL
I.A.S. Part 11
(Madden, J.)

Index No. 114120-06

Plaintiff,

-against-

A.W. CHESTERTON COMPANY, et al.,

Defendants.

-----X
AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
)
) ss:
COUNTY OF NEW YORK)

Daniel K. Gadzanku, being duly sworn, deposes and says:

1. I am over the age of eighteen and I am not a party to this action.
2. On August 28, 2007, I caused a true and correct copy of the Order To Show Cause, Memorandum of Law in Support of Defendants' Joint Motion *in Limine* to Preclude Plaintiff from Introducing Evidence of Epidemiological Studies Involving Different Types of Asbestos or Greater Levels of Exposure, and Affirmation of Timothy J. Fraser in Support to be served via Hand Delivery upon the following:

Benjamin Darche, Esq.
Weitz & Luxenberg
180 Maiden Lane
New York, New York 10038-4925
(counsel for plaintiff)

3. On August 28, 2007, I caused a true and correct copy of same to be served via Regular Mail upon the following:

Judith Yavi, Esq.
Anderson, Kill, Olick & Oshinsky
1251 Avenue of the Americas
New York, New York 10020-1000
(counsel for Amchem Products, Inc. and Union Carbide Corp.)

Gregg Borri, Esq.
Law Offices of Gregg J. Borri, Esq.
61 Broadway, Suite 2125
New York, NY 10006
(counsel for Georgia Pacific Co.)

Lawrence McGivney, Esq.
McGivney & Kluger, P.C.
80 Broad Street, 23rd Floor
New York, New York 10004
(counsel for Beckman Coulter, Inc.)

McCarter & English
245 Park Avenue, 27th Floor
New York, NY 10167-2801
(counsel for O.I.)

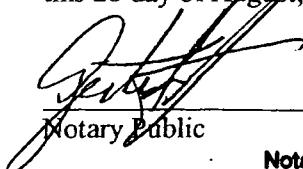
this being their last known address.

4. These documents are being served on behalf of defendants Baxter Healthcare Corporation (alleged to be a successor in interest to American Hospital Supply Corp. and American Scientific Products), ManorCare Health Services, Inc. (alleged to be a successor in interest to Central Scientific Company, a division of Cenco, Inc.), Fisher Scientific International Inc., VWR International, Inc. and Univar USA Inc.



Daniel K. Gadzanku

Sworn to and subscribed before me on
this 28 day of August, 2007



Notary Public

SFNY1 109321v3

GERTRUDE SOFMAN
Notary Public, State of New York
No. 01SO6092095
Qualified In New York County
Commission Expires July 23, 2011

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In Re: NEW YORK CITY ASBESTOS LITIGATION : Hon. Joan A. Madden, J.S.C.
: (Part 11)
-----x
This Document Relates To: : Index No. 114120/06
: :
CHRISTIAN HOLINKA, :
: Plaintiff : ORDER TO SHOW CAUSE
: : FOR DEFENDANTS' MOTION IN
: : LIMINE TO PRECLUDE EVIDENCE
: : OF EPIDEMIOLOGICAL STUDIES
: :
A.W. CHESTERTON COMPANY, et al., :
: Defendants.
: :
-----x

PLEASE TAKE NOTICE that, upon the annexed Affirmation of Timothy J. Fraser, Esq., and the Memorandum of Law in Support of Defendants' Motion *In Limine* To Exclude Evidence of Epidemiological Studies Involving Different Types of Asbestos or Greater Levels of Exposure, and sufficient cause having been shown, it is

ORDERED, that counsel for the plaintiff show cause in IAS, part 11, Room 351, of the Supreme Court of New York, County of New York, located at 60 Centre Street, New York, New York, before the Honorable Joan A. Madden, J.S.C. on the ____ day of _____, 2007, at _____.m. or as soon thereafter as counsel may be heard, why an Order should not be entered granting the motion *in limine* of defendants Baxter Healthcare Corporation (alleged to be a successor in interest to American Hospital Supply Corp. and American Scientific Products), ManorCare Health Services, Inc. (alleged to be a successor in interest to Central Scientific Company, a division of Cenco, Inc.), Fisher Scientific International Inc., VWR International, Inc. and Univar USA Inc. (collectively, "Defendants") to preclude plaintiff from introducing

evidence of epidemiological studies regarding an increased risk of mesothelioma from asbestos unless Plaintiff establishes that he was exposed to similar or greater amounts of the same type of asbestos.

ORDERED, that service of copies of this Order to Show Cause and supporting papers be made to all parties before the _____ day of _____, 2007, by serving a copy thereof by hand delivery on counsel for plaintiff, Benjamin Darche, Esq., at Weitz & Luxenberg, and by first class mail to counsel for all remaining parties, such service shall be deemed sufficient notice.

ORDERED that the papers, if any, in opposition to this motion shall be served by hand delivery upon counsel for the moving defendants no later than _____ day(s) prior to the return date of this motion.

Hon. Joan A Madden, J.S.C

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

NYCAL
L.A.S. Part 39

Index No. 114120-06

IN RE: NEW YORK CITY
ASBESTOS LITIGATION

CHRISTIAN F. HOLINKA,

Plaintiff,

-against-

A.W. CHESTERTON COMPANY, et al.,

Defendants.

ORDER TO SHOW CAUSE FOR DEFENDANTS'
MOTION *IN LIMINE* TO PRECLUDE EVIDENCE OF
EPIDEMIOLOGICAL STUDIES

DRINKER BIDDLE & REATH LLP
140 Broadway, 39th Floor
New York, New York 10005-1116
(212) 248-3140

Attorneys for Defendant, BAXTER HEALTHCARE, INC.